

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

IN THE MATTER OF THE SEARCH OF
INFORMATION ASSOCIATED WITH THE
GOOGLE ACCOUNT
FAULKJERMAINE72@GMAIL.COM THAT IS
STORED AT PREMISES CONTROLLED BY
GOOGLE LLC

Case No. 2:23-mc-357-KFW

FILED UNDER SEAL

**APPLICATION FOR ORDER COMMANDING GOOGLE LLC
NOT TO NOTIFY ANY PERSON OF THE EXISTENCE OF A SEARCH
WARRANT AND REQUEST TO SEAL**

The United States requests that the Court order Google LLC (“Google”) not to notify any person (including the subscribers and customers of the account listed in search warrant docket number 2:23-mj-355-KFW of the existence of the warrant for ninety (90) days, from December 8, 2023, to March 7, 2024.

Google is a provider of an electronic communication service, as defined in 18 U.S.C. § 2510(15), and/or a remote computing service, as defined in 18 U.S.C. § 2711(2). Pursuant to 18 U.S.C. § 2703, the United States obtained the above-referenced warrant, which requires Google to disclose certain records and information to the United States. This Court has authority under 18 U.S.C. § 2705(b) to issue “an order commanding a provider of electronic communications service or remote computing service to whom a warrant, subpoena, or court order is directed, for such period as the court deems appropriate, not to notify any other person of the existence of the warrant, subpoena, or court order.” *Id.*

In this case, such an order would be appropriate because the warrant relates to an ongoing criminal investigation that is not public and there is reason to believe that notification of the existence of the warrant will give the target an opportunity to destroy or tamper with evidence.

The target is aware of the investigation due—at least in part—to the execution of a federal search warrant at his residence in June 2023. The target’s awareness of the existence of the investigation may also come from the expiration of several non-disclosure orders issued by this Court regarding legal process issued to several entities (including a non-disclosure order regarding a grand jury subpoena issued to Google, which expired in June 2023). Counsel for the target has been in contact with the United States Attorney’s Office. However, the target may not be aware of the extent, status, or investigative steps taken or anticipated in the federal investigation.

There is reason to believe that at least one cellular telephone seized from the target’s residence in June 2023 may have been remotely wiped before law enforcement could search that device pursuant to a separate search warrant. The above-referenced warrant seeks information from Google including phone backups associated with the target’s Google account. Though preservation of the target’s Google account has been requested, notifying the target of the existence of the above-referenced warrant would give him an incentive and opportunity to destroy or tamper with—or attempt to destroy or tamper with—such electronically stored evidence, if he has not already done so. Accordingly, there is reason to believe that notification of the existence of the above-referenced warrant will seriously jeopardize the investigation. *See* 18 U.S.C. 2705(b).

For these reasons, the United States respectfully requests that the Court enter an appropriate Order directing Google not to disclose the existence or content of the search warrant until March 7, 2024, except that Google may disclose the above-referenced search warrant to an attorney for Google for the purpose of receiving legal advice.

The United States further requests that the Court order that this application and any resulting order be sealed until March 7, 2024. As noted above, these documents relate to an ongoing criminal investigation there is good cause to seal these documents because their premature disclosure may jeopardize that investigation.

Dated: December 8, 2023

Respectfully submitted,

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UNITED STATES ATTORNEY

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